

Notice of Allowability	Application No.	Applicant(s)	
	10/044,959	NAKAMURA ET AL.	
	Examiner	Art Unit	
	John S. Chu	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/03.
2. ☒ The allowed claim(s) is/are 1-7,9-13 and 15-27.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/02,7/02, 1/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

John S. Chu
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 9 and 14 as drawn to the non-elected invention elected without traverse.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The claimed invention is drawn to the following:

1. A negative image-recording material for heat-mode exposure systems, which comprises (A) an IR absorbent including cyanine dye having an electron-withdrawing group or a heavy atom-containing substituent in at least one terminal aromatic ring, (B) a radical generator and (C) a radically-polymerizable compound, wherein images are formed therein by imagewise exposure to IR rays.

The inventive step of the claimed negative image-recording material is found in IR absorbent including cyanine dye having an electron-withdrawing group or a heavy atom-containing substituent in at least one terminal aromatic ring.

Prior art references disclosing the a negative image-recording material cited include AOSHIMA, KUNITA and HAUCK et al. Each of these references disclose the use of an IR

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absorbent material being a cyanine dye as disclosed, however none of them disclose the claimed IR absorbent cyanine dye having an electron-withdrawing group or a heavy atom-containing substituent. The examiner relies on the definition of a heavy atom-containing substituent to be defined on page 16, second paragraph of the specification wherein the heavy atom is defined having an atomic weight of at least 28.

Each of AOSHIMA, KUNITA and HAUCK et al disclose conventional IR absorbent cyanine dyes with no substituent on the terminal aromatic group in an explicit example. KUNITA and HAUCK et al each disclose IR absorbent cyanine dyes which having a chloride substituent group on the terminal aromatic ring and a compound which is seen as the defined heavy atom-containing group as recited in claim 1, however none of the examples in KUNITA or HAUCK et al explicitly disclose use of the terminal substituted aromatic cyanine dye as claimed thus the references fall under the statue of 35 U.S.C. 103(a) for obviousness.

The applicants have provided in there specification comparative results between the claimed IR cyanine dyes and those conventional disclosed such as IR-775 chloride and IR-786 perchlorate used in the specification. The comparative results indicated a printing plate that is formed with the claimed IR absorbent showed an improved printing durability over those printing plates which used the conventional cyanine dyes stated above.

Because of the objective evidence present in the specification, which compares the closest prior art IR dyes of KUNITA and HAUCK et al used in printing plates with the claimed IR dyes used in printing plates, demonstrated improved print durability of the plates any rejection under 35 U.S.C. 103(a) would be overcome due to secondary consideration of

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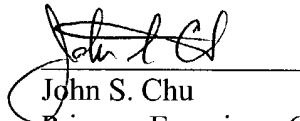
unexpected results. Accordingly claims 1-7, 9-13, 15-27 are seen as allowable over the prior art of record and passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.


John S. Chu
Primary Examiner, Group 1700

J.Chu
March 17, 2004